

AIPLA

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AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION

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May 22, 2002

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
United States Patent and Trademark Office
Washington, D.C. 20231

Attention: Ronald Hack, Deputy Chief Information Officer for Information Technology Services

Re.: AIPLA Comments on the "Notice of Public Hearing and Request for Comments on the Proposed Plan for an Electronic Public Search Facility" 67 Fed. Reg. 17055 (April 9, 2002)

Dear Mr. Under Secretary:

The American Intellectual Property Law Association (AIPLA) appreciates the opportunity to present its views on the Notice of Public Hearing and Request for Comments on the Proposed Plan for an Electronic Public Search Facility, published in the *Federal Register* on April 9, 2002.

The AIPLA is a national bar association of more than 13,000 members engaged in private and corporate practice, in government service, and in the academic community. The AIPLA represents a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, and unfair competition law, as well as other fields of law affecting intellectual property.

This Association, in letters of October 9, 2001 and October 29, 2001 to the USPTO regarding the removal of the patent and trademark document collections, acknowledged the burden placed on the USPTO of having to maintain both paper and electronic collections and supported the removal of the paper collections. We also stressed the need for the Office to continue to improve the electronic search systems and, upon removal of the paper collections, to redirect the resources used to maintain those collections to the further improvement of the electronic collections.

We believe that the electronic collections are now capable of offering all the functionality of paper collections. In addition, the electronic collections provide numerous advantages that the paper collections do not provide, such as collection integrity, convenient remote access, easy copy making, and space saving, among others. With the vast improvements made in the effectiveness of electronic searching, the electronic collections are being used by more and more users and the paper collections are being used by fewer and fewer. Looking at the use of both types of collections in the USPTO public search rooms, most searchers use the electronic systems and very few use the paper collections.

AIPLA continues to believe that every effort should be made to improve the electronic collections of patent and trademark documents. These improvements could take the form of more public electronic search terminals, internet access to the electronic collections which are now available in the public search rooms, better public access to the same databases and collections that are available to examiners including improved foreign patent document search capabilities, reduced search systems down time and adequate backup search systems.

Given the present functionality of the USPTO electronic collections and the expectation that the Office will continue to improve and update them, AIPLA supports the elimination of the paper patent and trademark registration collections from its public search facilities and the transition to electronic collections. While we would welcome another organization acquiring these paper collections, the absence of any willing recipient should not prevent their elimination.

We appreciate the opportunity to offer our views and would be pleased to answer any questions that you might have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael K. Kirk".

Michael K. Kirk
Executive Director